

**DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

**JOSEPH GERONIMO
A/K/A KAMAL K. ROY, ET. AL.**

Civil Case No. 07-00021

Plaintiffs,
vs.
USA GOV'T. GOD/S, ET. AL.,
Defendant

ORDER

Re: Dismissal of Complaint

This matter is before the Court regarding Plaintiff Joseph Geronimo's ("Geronimo") civil complaint and motion to proceed *in forma pauperis*. Geronimo's request to proceed *in forma pauperis* is granted.

Title 28 U.S.C. § 1915(e)(2)(B)(i) authorizes federal courts to dismiss a claim filed *in forma pauperis* “if the court determines that the action . . . is frivolous or malicious.” Under this standard, a district court may review the complaint and dismiss *sua sponte* those claims premised on meritless legal theories or clearly lacking any factual basis. *Denton v. Hernandez*, 112 S. Ct. 1728, 1730-31 (1992). *Pro se* pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990).

Upon review of of Geronimo's filings, it is quite difficult for the court to discern what type of relief he is requesting. His documents are illegible and the content is unintelligible. From what the court can read/decipher, the court finds no legal or factual basis supporting Geronimo's claims. Further, there is no indication that any of the acts complained of occurred on Guam or had any relation to Guam or the named defendants whatsoever. The court finds that Geronimo's complaint is frivolous. "District courts have the authority to dismiss complaints founded on 'wholly fanciful' factual allegations for lack of subject matter jurisdiction." *See*

1 *Franklin v. Murphy*, 745 F2 1221, 1228 (9th Cir. 1984). Accordingly, the allegations in the
2 complaint are DISMISSED with prejudice.

3 The Court is aware that Geronimo has been determined to be a “vexatious litigant” by
4 the United States District Court for the District of Delaware. *See* attached order. The District
5 of Delaware has entered an order recognizing that Geronimo has established a nationwide
6 pattern of filing complaints which are patently frivolous and vexatious.” *Id.* In that order,
7 Geronimo (and any associations with which he is affiliated) was prohibited from filing any
8 “complaint, lawsuit, or petition for writ of mandamus without prior authorization of the court.”
9 *Id.* Not unlike the District of Delaware, this court finds it prudent to do the same. The court
10 notes that Geronimo has previously filed substantially similar complaints with this court on two
11 other occasions. The first, 06 CV 00007 was dismissed for failing to state a cognizable claim.¹
12 The second was denied filing during the pre-screening process. This second filing was virtually
13 identical to the first. The instant filing appears to have incorporated many of the same pages of
14 the first two submissions. It appears that Geronimo has photocopied previous filings and added
15 additional information by writing in the margins.

16 Accordingly, the court finds that Geronimo is a vexatious litigant. In order to “prevent
17 frivolous petitions for extraordinary relief from unsettling the fair administration of justice,”
18 Geronimo, as well as entities with which he is affiliated, including but not limited to all of the
19 plaintiffs listed in this action, are enjoined from filing any further actions in this district without
20 prior approval of the court. *See* 18 U.S.C. § 1651 and *Clinton v. United States*, 297 F.2d 899
21 (9th Cir.1961), *see also In re Demos*, 925 F. 2d 1160 (9th Cir. 1991, cert. denied 498 U.S. 1123,
22 111 S.Ct. 1082 (1991) and *In re Sindram*, 498 U.S. 177, 179-180, 111 S.Ct. 596 (1991). The
23 Clerk of Court shall not accept for filing any future complaints absent further order of the court.
24 All unauthorized filings shall be returned via certified mail.

25 **IT IS SO ORDERED.**



26 /s/ **Frances M. Tydingco-Gatewood**
27 **Chief Judge**
28 **Dated: Aug 21, 2007**

¹ Like the District Court in Delaware, this court is concerned for the safety of its employees. Geronimo’s first filing was opened by the courts clerks and was found to be covered in a white sticky substance. Numerous pages of the filing were crumpled and stuck together.